

United States Bankruptcy Court
Central District of California

**Local Bankruptcy Rules Revisions Involving New Procedures
Effective January 5, 2015**

- LBR 1015-1 Joint Administration;
 - LBR 7056-1(g) Summary Judgment;
 - LBR 9013-1(h) Failure to File Documents;
 - LBR 9027-1(b),(d) Removal; and
 - LBR 9036-1 DeBN.
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LBR 1015-1. CONSOLIDATION AND JOINT ADMINISTRATION

- (a) **Joint Cases.** A joint case commenced for spouses by the filing of a single petition under 11 U.S.C. § 302(a) will be deemed substantively consolidated unless the court orders otherwise.
- (b) **Joint Administration of Cases Pending ~~in the Same Court Before the Same Judge.~~**
- (1) **Motion.** If 2 or more cases are pending before the same judge, an order of joint administration may be entered, without further notice and an opportunity for hearing, upon the filing of a motion for joint administration pursuant to FRBP 1015 and LBR 9013-1(q), supported by a declaration establishing that the joint administration of the cases is warranted, will ease the administrative burden for the court and the parties, and will protect creditors of the different estates against potential conflicts of interest.
- (2) **Order.** An order granting a motion to approve joint administration must be lodged using the court-approved form. An order of joint administration under this rule is for procedural purposes only and shall not effect a substantive consolidation of the respective debtors' estates.
- (3) **Notice.** Promptly upon entry of an order granting a motion for joint administration, the movant must file and serve, using the court-approved form, a Notice of Joint Administration and Requirements for Filing Documents.
- (c) **Reassignment of Cases Not Assigned to the Same Judge. Joint Administration/Substantive Consolidation.** A motion for joint administration or for substantive consolidation must include a motion under LBR 1073-1 to reassign the cases to be jointly administered or substantively consolidated if those cases are not all assigned to one judge.

LBR 7056-1. SUMMARY JUDGMENT

- (g) Non-Opposition to Summary Judgment is Not Consent.** Pursuant to F.R.Civ.P. 56 and FRBP 7056, mere failure to file an opposition to a motion for summary judgment shall not be deemed consent to the granting or denial of the motion for summary judgment.
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LBR 9013-1. MOTION PRACTICE AND CONTESTED MATTERS

- (h) Failure to File Required Documents.** Except as set forth in LBR 7056-1(g) with regard to motions for summary judgment, If a party does not timely file and serve documents, the court may deem this to be consent to the granting or denial of the motion, as the case may be.
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LBR 9027-1. REMOVAL AND REMAND

- (a) Notice of Removal.** A notice of removal must be filed with the clerk of the bankruptcy court pursuant to FRBP 9027.
- (b) Status Conference.**
- (1)** Upon the filing of a notice of removal pursuant to FRBP 9027, the clerk will issue a notice of status conference before the judge to whom the case or proceeding has been assigned. Using the court-mandated form, the party filing a notice of removal must prepare a notice of status conference regarding removal of action, and present it to the clerk concurrently with the filing of a notice of removal.
 - (2)** The clerk will set a status conference will be set to be held not later than 45 days after the date that the clerk issues and files a notice of status conference is mailed, unless otherwise ordered by the court.
 - (3)** Within 7 days of receipt, the removing party who files a notice of removal must serve the notice of status conference on all other parties to the removed action, including on any trustee appointed in the bankruptcy case, and on the United States trustee. Service must be completed no later than 14 days after the date the notice was issued and filed.
- (c) Remand.** A motion for remand must be filed with the clerk of the bankruptcy court not later than 30 days after the date of filing of the notice of removal, and served under LBR 9013-1(d).

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(d) **Filing of Pleadings Copies of Docket and Filed Documents.**

- (1) Unless otherwise ordered by the court, the party filing ~~the a~~ notice of removal must file with the clerk: ~~in chronological order, copies of all process, documents, minute entries, orders, and other documents filed in the litigation prior to removal, together with a copy of the docket of the removed action from the court where the removed litigation was pending.~~

(A) A copy of the docket of the removed action from the court where the removed litigation was pending; and

(B) A copy of every document on the docket, whether the document was filed by a party or entered by the court. The copies must be provided in chronological order according to the date the document was filed.

LBR 9036-1. **NOTICE AND SERVICE BY ELECTRONIC TRANSMISSION**

(a) **Service ~~By Electronic Means~~ on Registered CM/ECF Users.**

- (1) **NEF Constitutes Service.** Upon the addition of any document or item to a CM/ECF docket, whether electronically or non-electronically, an NEF is automatically generated by CM/ECF and sent electronically to all persons or entities that are CM/ECF Users and have consented to electronic service. Regardless of whether it is the duty of the court or of another person or entity to provide notice or service, service of the NEF constitutes notice and service pursuant to the F.R.Civ.P., FRBP, and these rules for all persons and entities that have consented to electronic service.

~~(2) A person or entity that is entitled to service of a document, but is not a CM/ECF User or is a CM/ECF User who has not consented to electronic service, must be served as otherwise provided by the F.R.Civ.P., FRBP, and these rules.~~

- ~~(b)~~ **(2) NEF Does Not Constitute Service-Exceptions.** Electronic transmission of an NEF does not constitute service or notice of the following documents that must be served non-electronically:

(A3) Service of a summons and involuntary petition under FRBP 1010;

(B4) Service upon the United States trustee of documents listed as exceptions under LBR 2002-2(a)(3);

(C) Service of a proof of claim upon debtor's attorney under LBR 3015-1(b)(5);

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- (~~D~~4) Service of a summons and complaint under FRBP 7004;
- (~~E~~2) Service of a subpoena under FRBP 9016; and
- (~~F~~5) Where conventional service is otherwise required under the F.R.Civ.P., FRBP, LBRs, or by court order.

(b) Service on non-CM/ECF Users. A person or entity that is entitled to service of a document, but is not a CM/ECF User or is a CM/ECF User who has not consented to electronic service, must be served as otherwise provided by the F.R.Civ.P., FRBP, and these rules.

(c) Service on Debtors who Request DeBN.

- (1) Consent Limited to Service from the Bankruptcy Noticing Center.** A debtor who requests delivery by email of notices via the Debtor Electronic Bankruptcy Noticing Program only consents to delivery of orders and notices delivered by the Bankruptcy Noticing Center.
- (2) Notice and Service from All Other Parties.** All other parties, including attorneys and trustees, must continue to serve debtors non-electronically using methods authorized under FRBP 7004 and 7005(b).